

## **Remarks**

Claims 4, 10, 15, and 17-29 are currently pending in this application. The Applicant respectfully requests allowance of the present application in view of the claim amendments above and remarks set forth below.

### **Claim Rejections – Double Patenting**

Claims 4, 10, 15, 17-19, 22, 25, 27 and 29 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 2-3, 18, and 28-31 of U.S. Patent No. 7,185,340. To overcome this rejection, Applicant has submitted a new Terminal Disclaimer with this response. Applicant has also filed a new Power of Attorney in this matter to support the newly filed Terminal Disclaimer.

### **Claim Rejections – 35 U.S.C. § 101**

The Examiner has maintained her rejection of Claim 15 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. To overcome this rejection, Applicant has amended Claim 15. Applicant believes amended Claim 15 is directed to statutory subject matter and therefore respectfully requests allowance of same.

### **Allowable Subject Matter**

Applicant believes that all pending claims are allowable and respectfully requests that the Examiner issue a Notice of Allowance. Should the Examiner have questions, the Applicant's undersigned representative may be reached at the number provided.

Respectfully submitted,  
Clifford L. Hersh

Date: February 26, 2009

/V. Randall Gard/  
V. Randall Gard, Reg. No. 33,886  
Gard & Kaslow *LLP*  
One 1<sup>st</sup> Street, Suite 9  
Los Altos, CA 94022  
Phone (650) 305-3050  
Fax (650) 305-3055